

COPY

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

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In The Matter of Charges and)

Complaint Against)

DENNIS GORDON, M.D.,)

Respondent.)

Case No. 09-3892-1

FILED

MAY 01 2009

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

COMPLAINT

The Investigative Committee of the Nevada State Board of Medical Examiners, composed of Charles N. Held, M.D., Chairman, Jean Stoess, M.A., Member, and Benjamin Rodriguez, M.D., Member, by and through Lyn E. Beggs, General Counsel for the Nevada State Board of Medical Examiners, having a reasonable basis to believe that Dennis Gordon, M.D., hereinafter referred to as Dr. Gordon, has violated the provisions of NRS Chapter 630, hereby issues its formal Complaint, stating the Investigative Committee's charges and allegations, as follows:

1. Dr. Gordon is currently licensed in active status, and was so licensed by the Nevada State Board of Medical Examiners, hereinafter referred to as "the Board," on June 28, 1971 (License No. 2534), pursuant to the provisions of Chapter 630 of the Nevada Revised Statutes, and at all times addressed herein was so licensed.

2. Patient A was a fifty-eight year old woman at the time of the incidents in question. Her true identify is not disclosed to protect her privacy, but her identity is disclosed in the Patient Designation served on Dr. Gordon along with a copy of this Complaint.

3. On July 26, 2004, Patient A presented to a Southwest Medical Associates urgent care facility after falling and injuring her wrist while out of state. She was diagnosed with a Colles fracture after x-rays were taken and she was referred to an orthopedist.

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OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

1 4. Patient A presented to Dr. Gordon, who practices primarily orthopedics, for the first
2 time on July 28, 2004. Dr. Gordon's medical records for Patient A briefly indicate that he agreed she
3 had a Colles fracture and that he treated the fracture with a hematoma block and closed reduction and
4 that a long cast was applied. Dr. Gordon indicated in his chart that post-op x-rays looked good
5 although there is no radiology report confirming this in the chart. Patient A was to return in three
6 weeks.

7 5. No further x-rays were completed until August 17, 2004 when they were taken of
8 Patient A's wrist. The radiology report indicates that there was improvement in the alignment of the
9 distal radius as compared to the prior study taken on July 26, 2004.

10 6. Patient A saw Dr. Gordon on August 19, 2004, who noted in his chart only that the
11 cast and x-ray were good and that Patient A was to return in three weeks for cast removal.

12 7. Patient A again had x-rays taken on September 7, 2004 which were compared to the
13 study of August 17, 2004. The radiology report noted "marked fracture deformity again noted about
14 the base of the radial styloid with worsening displacement since the prior examination."

15 8. Patient A saw Dr. Gordon on September 9, 2004. The only notation in Dr. Gordon's
16 record of the appointment was "x-rays look good, cast off, started on physical therapy. I have given
17 her pain pills and return in 2 months." Patient A was provided with a physical therapy referral form
18 on this date as well.

19 9. Patient did begin physical therapy and returned to see Dr. Gordon on
20 October 20, 2004 at which time she had some swelling and residual numbness. Dr. Gordon noted
21 that Patient A had 70% range of motion and that she was returning to work. She was to continue
22 with physical therapy. Dr. Gordon noted that he discussed with Patient A the possibility of a carpal
23 tunnel reset if she did not improve. Patient A was to return in one month.

24 10. Patient A continued with physical therapy and returned to Dr. Gordon on
25 November 11, 2004. Dr. Gordon noted that her progress was slow and that he doubted physical
26 therapy was helping much and encouraged her to do her own therapy. Dr. Gordon's medical records
27 continued to be extremely minimal.

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11. On December 29, 2004, Patient A returned to Dr. Gordon with pain in her arm around the mid bicep. She had a weak grasp but increased range of motion. Dr. Gordon noted that he encouraged the patient to get the wrist moving and that she was to return in six weeks.

12. Patient A returned to Dr. Gordon for the last time on February 10, 2005 with a better range of motion but considerable weakness as well as tightness in her knuckles, tenderness in her shoulder and on examination, had exquisite pain over her biceps tendon. Dr. Gordon noted that he injected the biceps tendon, was keeping Patient A on exercise and was to see her back in six weeks.

13. Patient A did not return to Dr. Gordon, but instead presented to Dr. Andrew Bronstein, a hand and microvascular surgeon, on March 1, 2005. Dr. Bronstein's medical records for Patient A indicate a "distal radius malunion with associated clinical complaints of deformity, loss of strength and loss of motion." Dr. Bronstein recommended two courses of action with Patient A, each involving an osteotomy.

14. Patient A opted to undergo a closing wedge osteotomy with a Darrach resection which was performed on March 16, 2005. Patient A did well after surgery but eventually was required to undergo an ulnar nerve release and carpal tunnel release of the wrist which were performed on November 29, 2006.

Count I

15. All of the above paragraphs are incorporated by reference as though fully set forth herein.

16. Nevada Administrative Code Section 630.040 defines malpractice as the failure of a physician, in treating a patient, to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances.

17. Nevada Revised Statute Section 630.301(4) provides that malpractice is grounds for initiating disciplinary action against a licensee.

18. Dr. Gordon failed to use the reasonable care, skill, or knowledge ordinarily used under similar circumstances when he failed to properly follow Patient A after the procedure on July 28, 2004, in that he failed to see Patient A for three weeks and had no x-rays taken between the procedure and the first follow-up visit on August 19, 2004.

Count II

Count III


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WHEREFORE, the Investigative Committee prays:

1. That the Nevada State Board of Medical Examiners fix a time and place for a formal hearing;
2. That the Nevada State Board of Medical Examiners give Dr. Gordon notice of the charges herein against him, the time and place set for the hearing, and the possible sanctions against him;
3. That the Nevada State Board of Medical Examiners determine what sanctions it determines to impose for the violation or violations committed by Dr. Gordon; and
4. That the Nevada State Board of Medical Examiners make, issue and serve on Dr. Gordon its findings of facts, conclusions of law and order, in writing, that includes the sanctions imposed; and
5. That the Nevada State Board of Medical Examiners take such other and further action as may be just and proper in these premises.

DATED this 1st day of May, 2009.

THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
 Lyn E. Beggs
 General Counsel and Attorney for the Investigative Committee

VERIFICATION

1 STATE OF NEVADA)
2 : ss.
3 COUNTY OF DOUGLAS)

4 CHARLES N. HELD, M.D., having been duly sworn, hereby deposes and states under
5 penalty of perjury that he is the Chairman of the Investigative Committee of the Nevada State
6 Board of Medical Examiners that authorized the complaint against the Respondent herein; that he
7 has read the foregoing Complaint; and that based upon information discovered in the course of the
8 investigation into a complaint against Respondent, he believes that the allegations and charges in
9 the foregoing Complaint against Respondent are true, accurate, and correct.

10 DATED this 1st day of May, 2009.



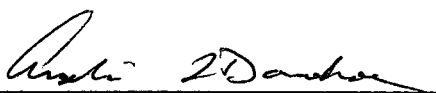
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14 CHARLES N. HELD, M.D.
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CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 1st day of May 2009, I served a file copy of the COMPLAINT and a copy of the PATIENT DESIGNATION, along with fingerprint information. Also included is a letter from Lyn Beggs by mailing via USPS certified return receipt mail to the following:

Dennis Gordon, M.D.
Nevada Orthopedic & Spine Center
PO Box 36550
Las Vegas, NV 89133

Dated this 1st day of May 2009.



Angelia Donohoe
Legal Assistant